

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EDWARD T. KENNEDY,

Plaintiff,

v.

**EQUIFAX INC.; RICHARD F. SMITH,
IN HIS OFFICIAL AND INDIVIDUAL
CAPACITIES; AMERICAN BANKERS
INSURANCE COMPANY OF FLORIDA,
A STOCK INSURANCE COMPANY;
BARBARA LOPEZ, IN HER OFFICIAL
AND INDIVIDUAL CAPACITIES; and
STEVEN CRAIG LEMASTERS; IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITIES,**

Defendants.

CIVIL ACTION NO.: 5:18-cv-00214-JLS

**DEFENDANTS RICK SMITH AND EQUIFAX, INC.’S JOINT OPPOSITION TO
PLAINTIFF’S MOTIONS FOR SUMMARY JUDGMENT**

Defendants Rick Smith (“Smith”) and Equifax Inc. (“Equifax”) hereby file their Joint Opposition to Plaintiff’s Motions for Summary Judgment (hereinafter “Plaintiff’s Motions,” ECF Nos. 31, 33). Plaintiff’s Motion should be denied for a myriad of reasons.

First, Defendants Smith and Equifax are represented by counsel. (ECF Nos. 34, 40, 47). Second, Plaintiffs’ Motions are procedurally improper. Each Defendant has filed a Motion to Dismiss (ECF Nos. 25, 26), both of which are ripe for decision by this Honorable Court.

Furthermore, Plaintiff appears to rely on his First Amended Complaint (“Complaint,” ECF No. 10) as the evidentiary basis for his Motions. Under Federal Rule of Civil Procedure 56(a), the court shall only grant summary judgment “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Both

Defendants have opposed Plaintiff's Complaint through their Motions to Dismiss. And, as described in Defendant Equifax's Memorandum in Support of its Motion to Dismiss (ECF No. 27), Plaintiff's Complaint fails to set forth any viable claims, in part because it is based on wholly conclusory allegations. Such allegations are not evidence sufficient to sustain a grant of a motion for summary judgment against these Defendants.

For the foregoing reasons, Defendants Smith and Equifax respectfully request the Court to deny Plaintiffs' Motions, and grant all other relief as the Court deems proper.

Respectfully submitted this 2nd day of October, 2018.

CLARK HILL PLC

/s/Jonathan D. Klein

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ATTORNEYS FOR DEFENDANTS
RICK SMITH AND EQUIFAX INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2018, I electronically filed **DEFENDANTS RICK SMITH AND EQUIFAX, INC.'S JOINT OPPOSITION TO PLAINTIFF'S MOTIONS FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system, and I have served a copy on the following by causing a copy of the same to be deposited in the United States Mail, postage prepaid and addressed as follows:

Edward T. Kennedy
401 Tillage Rd.
Breinigsville, PA 18031

s/ Jonathan D. Klein

Jonathan Klein